

George Haines, Esq.  
HAINES & KRIEGER, LLC  
1020 Garces Ave.  
Las Vegas, NV 89101  
Phone: (702) 880-5554  
FAX: (702) 385-5518  
Email: [info@hainesandkrieger.com](mailto:info@hainesandkrieger.com)  
Attorney for Devin and Particia Fulton

E-FILED: October 12, 2009

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

**In Re:** ) Case No. BKS-09-15101-BAM  
 ) Chapter 13  
 )  
 )  
 )  
Devin and Particia Fulton, )  
 )  
 )  
 )  
**Debtor(s).** )  
 )  
 )

---

**AFFIDAVIT OF DEBTOR REGARDING CREDITOR'S VIOLATIONS OF THE  
AUTOMATIC STAY**

STATE OF NEVADA )  
 ) ss.  
COUNTY OF CLARK )

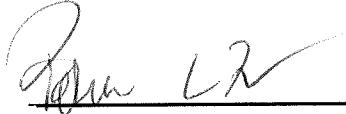
Particia Fulton, says:

1. On or about April 05, 2009, I filed the instant chapter 13 bankruptcy, bearing docket number 09-15101.
2. On or about July 15, 2009, Creditor, U.S. National Bank, filed for relief from stay to resume foreclosure on my property located at 4379 Sun Vista Drive, Las Vegas, Nevada 89104.
3. On or about August 10, 2009, I filed opposition to Creditor's relief from stay.
4. On August 11, 2009 at 1:30 PM hearing was held on Creditor's motion for relief. I agreed (though counsel) not to prosecute opposition to Creditor's

motion if Creditor agreed to renotice the Notice of Default as required under revised NRS 107 (as amended though Nevada Assemble Bill 149). In essence this compromise required Creditor to provide me with an opportunity to elect to mediate through Nevada's mediation program with Creditor with a goal of negotiating a loan modification.

5. On September 17, 2009, Creditor obtained an Order on its Motion for Relief from stay. In pertinent part, the Order (which incidentally was drafted by Creditor) stated, "**IT IS FURTHER ORDERED, ADJUDGED and DECREED that the [property] subject to the Secured Creditor starting all foreclosure proceedings over with a new Notice of Default**".
6. On or about September 25, 2009, Creditor filed its Notice of Entry of Order of the above Order.
7. On or about October 11, 2009, Creditor, in total disregard to the Court's Order, and agreement with the debtor, taped a Notice of Trustee Sale on my home located at 4379 Sun Vista Drive, Las Vegas, Nevada 89104 to my front door.
8. The sale is noticed to be held on November 4, 2009 at 10:00 AM.
9. This ordeal has caused me significant embarrassment and stress
10. Specifically, I have lost sleep, suffered nausea, headaches, anxiety, depression and fear. I have lost my appetite and have had difficulty concentrating at work. This has been has the most stressful situation of my life.

DATED: October 12, 2009



---

Particia Fulton  
Debtor

SUBSCRIBED and SWORN to before  
me this 12 day of October 2009.

Candace Hackmann

NOTARY PUBLIC in and for said  
County and State

